



26 OCT 2006

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In re Application of

FISHLER

Application No.: 10/552,377

PCT No.: PCT/IL04/00317

Int. Filing Date: 08 April 2004

Priority Date: 14 April 2003

Attorney Docket No.: 0-05-165

For: SOLID BIOCIDES FORMULATIONS

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 15 August 2006 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

BACKGROUND

On 08 April 2004, applicant filed international application PCT/IL04/00317, which claimed a priority date of 14 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 October 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 14 October 2005.

On 07 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States.

On 08 August 2006, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/09) indicating that the present application was abandoned as to the United States of America for failure to provide payment of the full U.S. Basic National fee prior to the expiration of thirty months from the priority date.

On 15 August 2006, applicant filed the petition considered herein.

DISCUSSION

Applicant has presently provided a legible copy of the receipt postcard which shows a USPTO date stamp, "JC06 Rec'd PCT/PTO 07 OCT 2005" and clearly identifies in part: "Check: \$690." The return postcard has not been annotated in any way to indicate that the check was not

received. The evidence is sufficient to establish that a check in the amount of \$690.00 was received in the USPTO on 07 October 2005. Applicant's transmittal letter has been stamped to indicate that the check was not received. Thus, it appears that the check was misplaced somewhere within the office causing the Form PCT/DO/EO/909 to be mailed. Applicant has present provided payment of the full U.S. Basic National fee. As such, it is proper to **GRANT** applicant's petition at this time.

In addition, applicant has provided an executed declaration from the inventor. The filed declaration complies with 37 CFR 1.497 (a)-(b). In addition, a review of the fee record for this application shows payment of the appropriate surcharge.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The "Notification of Abandonment" (Form PCT/DO/EO/909) mailed 08 August 2006 is hereby **VACATED**.

The application has an international filing date of 08 April 2004 under 35 U.S.C. 363 and will be given a date of **15 August 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) indicating a 371 date as detailed above.



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